HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Revision No. 90 of 2003

Smt. N. Iqbal ..... Revisionist

Versus

Smt. Pavitra Chaudhari ..... Respondent

Sri Ramji Srivastava, Advocate for the revisionist
Sri K.S. Verma, Advocate for the respondent.

Dated: 30.7.2004

Hon. Rajesh Tando J.

Heard the learned counsel for the parties at length.

Present revision has been filed against the order dated 22.12.2003 passed by the Civil Judge (S.D.) Dehradun rejecting the application of the revisionist for recalling the witness for re-examination.

The application has been rejected only on the ground that it has not been explained as to on what question he wants to re-examining the plaintiff. Order XVIII Rule 17 C.P.C. provides as under:

17.Court may recall and examine witness:-

The Court may at any state of a suit recall any witness who has been examined any may (subject to the law of evidence for the time being in force) put such questions to him as the Court thinks fit.

Power has been given to the court to recall any witness who has been examined and subject to law of evidence put such question to him as the Court thinks appropriate.

In view of the aforesaid, the present revision is premature. However, if proper application is filed under Order XVIII Rule 17 CPC the same may be considered in accordance with law before the disposal of the suit.

There is already an order dated 23.9.03 of this Court for disposal of the suit itself within a period of six months.

Subject to the aforesaid observations, the revision is disposed of.

(Rajesh Tandon J.)

Dated: 30.7.2004
Dhyani